



Security Council

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GENERAL

S/1994/244
2 March 1994
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 1 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE
OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued on 28 February 1994 by the Ministry of Foreign Affairs of the Republic of Tajikistan in connection with the bloody tragedy in the Israeli city of Al-Khalil.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) L. KAYUMOV
Ambassador
Permanent Representative

Annex

Statement dated 28 February 1994 by the Ministry of
Foreign Affairs of Tajikistan

The Ministry of Foreign Affairs of the Republic of Tajikistan expresses deep concern at the inhuman act perpetrated on 25 February 1994 at the Ibrahimi Mosque in the city of Al-Khalil, Israel, which has led to death and injury affecting tens of thousands. It considers that act to be a crime against completely innocent civilians.

The Ministry of Foreign Affairs conveys its heartfelt condolences to the relatives and friends of those who have died.

The Ministry of Foreign Affairs is confident that every effort will be made in the State of Israel to get to the bottom of this bloody crime.

The Ministry of Foreign Affairs also hopes that the tragedy will not have a negative effect on the process of Palestinian-Israeli negotiations or on the implementation of agreements already reached by the parties.

Ministry of Foreign Affairs
of the Republic of Tajikistan



General Assembly
Security Council

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A/48/891
S/1994/245
2 March 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 42
THE SITUATION IN BOSNIA
AND HERZEGOVINA

SECURITY COUNCIL
Forty-ninth year

Letter dated 2 March 1994 from the Permanent Representative
of Bosnia and Herzegovina to the United Nations addressed
to the Secretary-General

We welcome efforts to finally open Tuzla airport for flights to relieve the humanitarian situation in that region and throughout our Republic. We also recognize the potential positive role that the Russian Federation can contribute in bringing a broader peace to the Republic of Bosnia and Herzegovina.

We, however, would like to inquire what are the terms for the opening of Tuzla airport; who has negotiated these terms; and what role will the Russian Federation have in this project? We fully acknowledge the commitment by United Nations forces to ensure the types of goods that may be transported through Tuzla airport and we pledge our cooperation. On the other hand, we will not feel bound to any understanding resulting from bilateral discussions between the Russian Federation and an occupying force in our country, a sovereign State of the United Nations whose territorial integrity is threatened.

May I request your kind assistance in circulating the present letter as a document of the forty-eighth session of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative



Security Council

Distr.
GENERAL

S/1994/246
3 March 1994
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 2 MARCH 1994 FROM THE PERMANENT
REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that, during the period from 11 to 20 February 1994, United States aircraft continued to violate Iraqi airspace for the purpose of reconnaissance and provocation and the dropping of heat flares.

11 February 1994

(a) Northern region: 21 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Tall Afar, Zakho, Ayn Zalah and Amadiyah.

(b) Southern region: 30 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Qurnah, Nasiriyah, Samawah, Jalibah, Artawi and Busayyah.

12 February 1994

(a) Northern region: No hostile activity was recorded in the northern region on 12 February 1994.

(b) Southern region: 49 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Ushbayjah, Salman and Artawi.

- At 1349 hours on 12 February 1994, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over Basra, Qal'at Salih, Amarah, Qurnah and Artawi. It departed at 1442 hours in the direction of Saudi Arabian airspace.

13 February 1994

(a) Northern region: No hostile activity was recorded in the northern region on 13 February 1994.

(b) Southern region: 44 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Salman, Qurnah, Artawi, Busayyah and Jalibah.

14 February 1994

(a) Northern region: 37 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Dohuk, Irbil, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 48 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qurnah, Basra, Jalibah, Busayyah and Artawi.

- At 1131 hours on 14 February 1994, a hostile aircraft dropped four heat flares on the Badriyah area in the Quch district in Ninawa Governorate.

15 February 1994

(a) Northern region: 23 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho and Amadiyah.

(b) Southern region: 40 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Salman, Ushbayjah, Lasaf, Jalibah, Artawi, Qal'at Salih, Amarah, Shatrah, Qurnah and the area south of Najaf.

16 February 1994

(a) Northern region: 23 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Amadiyah and Ayn Zalah.

(b) Southern region: 37 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Basra, Nasiriyah, Samawah, the area south of Diwaniyah, the area south of Najaf, Shatrah, Artawi, Qal'at Salih and Busayyah.

- At 1247 hours on 16 February 1994, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over the area 50 km west of Busayyah. It departed at 1420 hours in the direction of Saudi Arabian airspace.

17 February 1994

(a) Northern region: No hostile activity was recorded in the northern region on 17 February 1994.

(b) Southern region: 56 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qurnah, Basra, Jalibah, Busayyah and Salman.

18 February 1994

(a) Northern region: 33 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 43 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Nasiriyah, Samawah, Qal'at Salih, Qurnah, Jalibah, Artawi, Amarah and Busayyah.

- At 1521 hours on 18 February 1994, a hostile formation dropped two heat flares on the Namrud district in Ninawa Governorate.
- At 1530 hours on 18 February 1994, a hostile aircraft dropped three heat flares north of Qasbat Faydah in Ninawa Governorate.

19 February 1994

(a) Northern region: 23 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Irbil, Dohuk, Tall Afar, Dukan, Amadiyah and Ayn Zalah.

(b) Southern region: 44 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Basra, Nasiriyah, Samawah, Amarah, Qal'at Salih, Salman, Jalibah, Artawi, Busayyah and Qurnah.

- At 1340 hours on 19 February 1994, a United States TR-1 reconnaissance aircraft violated Iraqi airspace, flying at a speed of 600 km/h and at an altitude of 20,000 m over the town of Amarah. It departed at 1500 hours in the direction of Saudi Arabian airspace.

20 February 1994

(a) Northern region: 18 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Mosul, Dohuk, Irbil, Zakho, Tall Afar and Amadiyah.

(b) Southern region: 38 sorties, flown at speeds of 600-900 km/h and at medium altitude, centred on Basra, Samawah, Busayyah, Artawi and Jalibah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



General Assembly
Security Council

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A/48/892
S/1994/247
3 March 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-ninth year

Letter dated 2 March 1994 from the Permanent Representative
of Malaysia to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you herewith the text of the statement by the Minister for Foreign Affairs of Malaysia, H.E. Datuk Abdullah Haji Ahmad Badawi, concerning the savage massacre perpetrated by Israeli extremist settlers against defenceless Palestinian citizens in Hebron in the occupied Palestinian territories on 25 February 1994, as a result of which more than 50 were killed and hundreds wounded.

Given the gravity of the situation, I should be grateful if you could have the present letter and its annex circulated as an official document of the forty-eighth session of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) RAZALI Ismail
Permanent Representative

Annex

STATEMENT ISSUED ON 26 FEBRUARY 1994 BY DATO' ABDULLAH BIN HAJI
AHMAD BADAWI, MINISTER FOR FOREIGN AFFAIRS OF MALAYSIA, ON THE
HEBRON MASSACRE

Malaysia strongly condemns the brutal massacre at the Al-Haram Al Ibrahimi mosque in Hebron and feels deeply saddened that such an incident occurred in a holy place during the month of Ramadan. Israel cannot escape the responsibility for the killings. This massacre once again highlighted the gravity of the situation in the occupied territories and the urgent need for Israel to change its policies and practices in the occupied territories. We call on the Israeli authorities to adhere to international obligations in respecting the rights of the Palestinian people and its holy places. Those responsible for the massacre must account for their actions and the entire incident should not be dismissed as the action of an alleged madman.

Malaysia also calls for the international community, particularly the United Nations, to provide effective protection to the Palestinian people in the occupied territories.

The Government and people of Malaysia extend their heartfelt condolences to the State of Palestine and the families of the deceased and share with them their grief.

Ministry for Foreign Affairs
Kuala Lumpur



Security Council

Distr.
GENERAL

S/1994/248
3 March 1994

ORIGINAL: ENGLISH

LETTER DATED 2 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF
PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to transmit herewith a statement adopted by the member States of the Organization of the Islamic Conference in New York on the situation in Sanjak in former Yugoslavia (Serbia and Montenegro).

I shall be grateful if this statement is circulated as a document of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador
Permanent Representative

Annex

Statement adopted by the member States of the Organization of
the Islamic Conference in New York on the situation in Sanjak
in former Yugoslavia (Serbia and Montenegro)

The member States of the Organization of the Islamic Conference express their grave concern at the ongoing violations of human rights occurring in Sanjak, particularly acts of physical harassment, abductions, torture, the burning of homes, warrantless search, the closure of political parties, and other inhuman and discriminatory practices being carried out against the indigenous Bosnian Muslim population of Sanjak, which are aimed at changing the ethnic structure of Sanjak as referred to in General Assembly resolution 48/153.

The member States of the OIC are extremely alarmed by the very recent arbitrary arrest, detention and torture of over 150 Muslim civilians and political leaders, including SDA (Party for Democratic Action) officials and members of the Montenegrin Parliament.

The member States of the OIC condemn the ever-intensifying policy of repression and ethnic cleansing against the Bosnian Muslim population of Sanjak by the Serbian-Montenegrin political, military authorities, and parliamentary formations.

The member States of the OIC stress that the extremely explosive situation in Sanjak creates an atmosphere of imminent danger of a spillover of the armed conflict to other parts of the Balkans.



Security Council

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GENERAL

S/1994/249
3 March 1994

ORIGINAL: ENGLISH

LETTER DATED 3 MARCH 1994 FROM THE PERMANENT REPRESENTATIVE OF
BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

I regret to inform you that once again the Sarajevo cease-fire and the conditions of the NATO ultimatum have been blatantly violated. Our Government is distressed that UNPROFOR forces failed to locate six Serbian tanks which were concealed from them within the "exclusion zone", and that these tanks were later driven past United Nations observers to unknown destinations, and that there was no effort to neutralize or put these tanks under United Nations control. This violation was proceeded yesterday by four grenades being fired upon Sarajevo. It is the belief of our Government that the excessive flexibility granted to Serbian forces vis-à-vis the ultimatum only encourages further transgression. As such, failure to negate the firing capability of the aforementioned tanks by whatever means only emboldened Serbian forces to again shell Sarajevo. Failure to take effective action to ensure compliance with the ultimatum will only lead to more flagrant and potentially deadly violations. This trend by Serbian forces of partial compliance followed by total disregard has been well documented, as well as its consequences for the civilian population.

We ask that the Security Council do its utmost to see to it that Serbian forces comply with the provisions of the current cease-fire in Sarajevo and that the terms of resolutions 824 and 836 be fully implemented.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative



General Assembly
Security Council

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GENERAL

A/48/893
S/1994/250
7 March 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda item 38
ELIMINATION OF APARTHEID AND
ESTABLISHMENT OF A UNITED,
DEMOCRATIC AND NON-RACIAL
SOUTH AFRICA

SECURITY COUNCIL
Forty-ninth year

Letter dated 28 February 1994 from the Permanent Representative of
Greece to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a statement of the European Union on South Africa, issued on 21 February 1994.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-eighth session of the General Assembly, under agenda item 38, and of the Security Council.

(Signed) Antonios EXARCHOS
Ambassador
Permanent Representative of Greece
to the United Nations

Annex

[Original: English and French]

STATEMENT OF THE EUROPEAN UNION ON SOUTH AFRICA, ISSUED ON
21 FEBRUARY 1994

The European Union welcomes the initiatives aimed at further consolidating the democratic foundations for the new South Africa as the country approaches its first democratic elections. It also welcomes initiatives aimed at accommodating the concerns of all the political parties, including those which have yet to register for participation in the electoral process.

The European Union is convinced that the only way to reflect its commitment to the process of democratic change in South Africa is for all parties to participate in the forthcoming elections. All South Africans must be allowed and encouraged to express their individual views on the country's future.

At the same time the European Union strongly urges all parties to refrain from threatening violence and from impeding the course of the elections, and from delaying a solution on the outstanding constitutional issues.

The European Union is firmly committed to assisting the transition to democracy, as reflected in the establishment of its election unit and deployment of several hundred election observers, so as to ensure fair and free elections, as well as in its announced intention to assist in the country's economic reconstruction and development after the elections.



Security Council

Distr.
GENERAL

S/1994/251
4 March 1994
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Reaffirming its resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993 and 896 (1994) of 31 January 1994,

Noting the letter dated 28 February 1994 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/1994/234) transmitting the statement of the Chairman of the Parliament, Head of State of the Republic of Georgia,

Noting also the resumption in New York on 7 March 1994 of the negotiations held in Geneva from 22 to 24 February 1994 between the Georgian and Abkhaz sides,

Urging the parties to achieve as soon as possible substantive progress towards a political settlement based on the principles set out in its previous resolutions so that the Security Council may adequately consider the possible establishment of a peace-keeping force in Abkhazia, Republic of Georgia,

1. Decides to extend UNOMIG's mandate for an additional interim period terminating on 31 March 1994;
2. Requests the Secretary-General to report to the Council by 21 March 1994 on whatever progress has been made in the negotiations and on the situation on the ground, with special attention to circumstances which might warrant a peace-keeping force and on the modalities for such a force;
3. Decides to remain actively seized of the matter.



Security Council

Distr.
GENERAL

S/1994/252
3 March 1994

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolution 833 (1993) of 27 May 1993,

Having considered the Secretary-General's letter of 22 February 1994 (S/1994/240) concerning the matter of the Iraqi private citizens and their assets which remained on Kuwaiti territory following the demarcation of the international boundary between Iraq and Kuwait, and welcoming the developments and arrangements described therein,

Acting under Chapter VII of the Charter of the United Nations,

Decides that the compensation payments to be made pursuant to the arrangements described in the Secretary-General's letter of 22 February 1994 may be remitted to the private citizens concerned in Iraq, notwithstanding the provisions of resolution 661 (1991).



Security Council

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GENERAL

S/1994/253
3 March 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. By its resolution 896 (1994) adopted on 31 January 1994, the Security Council, inter alia:

(a) Approved the continuation of the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 7 March 1994 within the numbers authorized in its resolution 892 (1993);

(b) Requested the Secretary-General to report to the Security Council immediately following the third round of negotiations between the parties on progress, if any, made in the negotiations and on the situation on the ground, with special attention to circumstances that might warrant a peace-keeping force and on the modalities for such a force;

(c) Underlined the importance of substantive progress towards a political settlement at the next round of negotiations for further consideration by the Council of the possible establishment of a peace-keeping force in Abkhazia, Georgia.

2. In the same resolution, the Council also recognized the right of refugees and displaced persons affected by the conflict to return, without preconditions, to their homes in secure conditions. The Council called upon the parties to honour the commitments they had already made in that regard and urged the parties to come to an expeditious agreement, including a binding timetable, that would assure the rapid return of those refugees and displaced persons in secure conditions.

II. POLITICAL EFFORTS

3. Following the signing by the parties of their communiqué on 13 January 1994 (see S/1994/32, annex), a second meeting was held of the group of experts to address the issue of the political status of Abkhazia. The meeting took place in Moscow from 8 to 10 February 1994.

4. At the suggestion of the Chairman of the group of experts, Mr. Giorgio Malinverni of Switzerland, the Group examined two points: (a) the division of competences between the Georgian authorities and the Abkhaz authorities; and (b) national and international guarantees, the rights to be recognized as those of Abkhazia and the mechanisms that might possibly be envisaged for the implementation of the competences decided.

5. Also at the suggestion of the Chairman, the Group avoided using abstract terms such as "confederation", "federal State" or "regional state", but rather concentrated on the practical question of how the competences might be arranged between the two entities that might compose the future State. Both sides made proposals in this context and discussion revolved around the division of competences between those that would belong to each entity and those that could be common (e.g., foreign policy, foreign trade, customs, border arrangements).

6. By the end of the meeting, it was the view of the Chairman that the points of view of the two delegations seemed to have drawn visibly closer. He believed that discussion was leading towards a type of confederal structure and even, in certain respects, a federal structure. Nevertheless, he recognized that a number of difficult and delicate problems remained to be addressed and he suggested that the points of view of the two parties on certain fundamental aspects should be addressed during the round of negotiations that was to follow at Geneva.

7. Preceded by a day of informal consultations, the third round of negotiations, chaired by my Special Envoy for Georgia, Ambassador Edouard Brunner, took place in Geneva from 22 to 25 February 1994. The participants were the two parties to the conflict, the Russian Federation in its capacity as facilitator and a representative of the Conference on Security and Cooperation in Europe (CSCE). Representatives of the United Nations High Commissioner for Refugees (UNHCR) also took part.

8. Following a specific reference to the Security Council's call for substantive progress towards a political settlement, vigorous efforts were made to find a way forward in the matter of the political status of Abkhazia. On the basis of positions taken in the informal meetings and from information gained, the Chairman and the Russian facilitator jointly prepared a draft paper as the basis for consideration of a declaration by the parties.

9. Intensive discussions ensued, and by the final morning, the Chairman was able to put forward a draft declaration, most of which was acceptable to both parties. There remained, however, a significant difference of opinion over the issue of the territorial integrity of Georgia and the relationship of Abkhazia to Georgia. The Abkhaz side declined to sign any document that included recognition of Georgia's territorial integrity.

10. In a separate working group, chaired by UNHCR, work proceeded on the draft quadripartite agreement on the voluntary return of refugees and displaced persons. By the final day, agreement had been reached on all the text except for one phrase referring to whether immunity should apply to persons who had taken part in hostilities and who continued to pose a real threat to security. At the end of the group's work, final agreement on the complete text was seen to

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depend on the outcome of the negotiations over the wording of the draft political declaration.

11. On the morning of the concluding session and despite every effort by the Chairman and the Russian facilitator to devise a compromise, it proved impossible to obtain a document that would be signed by both parties and in which the sovereignty and territorial integrity of the Republic of Georgia would be recognized by all concerned. It will be recalled that the Security Council had stressed the importance of this in paragraph 4 of resolution 896 (1994).

12. The Chairman therefore proposed that none of the documents should be signed by either party at that stage and that the third round of negotiations should be suspended in order to give the parties time for reflection. It was decided that the session should be resumed at United Nations Headquarters, New York, at 10 a.m. on Monday, 7 March.

13. The present text of the draft declaration on measures for a political settlement of the Georgian/Abkhaz conflict is annexed to the present report.

III. THE UNITED NATIONS OBSERVER MISSION IN GEORGIA

14. UNOMIG continues to perform its duties under the mandate laid down in paragraph 4 of Security Council resolution 881 (1993). UNOMIG observers, being unarmed, remain unable to conduct patrols in the Gali district, south of the Ochamchira-Tkvareli line, for lack of security caused by roving uncontrolled armed elements. UNOMIG's strength as of 28 February was 20 United Nations military observers. The Chief Military Observer, Brigadier-General John Hvidegaard (Denmark) has advised me that in the present circumstances the current strength of UNOMIG is satisfactory.

IV. SITUATION ON THE GROUND

15. The situation throughout Abkhazia remains generally calm. However, looting and vandalism are still taking place, although not to the same extent as in the period just after the outbreak of hostilities in October 1993.

16. Hostilities broke out again in early February 1994 in the Gali district of Abkhazia, thus breaking a tacit cease-fire between the parties that had prevailed since the fighting in September/October 1993. The Abkhaz side alleged that there was an increase in infiltration of armed elements at the end of January, while the Georgian side asserted that the Abkhaz offensive commenced on 6 February.

17. Reports regarding the scale of fighting and the dimension of the resulting damage have also been conflicting and unconfirmed. Some reports claimed that some 2,000 to 3,000 soldiers had been involved in the fighting, that the hostilities had caused an additional 3,000 inhabitants of the Gali district to flee the area and that as many as 500 lives had been lost. There have also been reports of some 800 houses being burnt down and of the Gali district and its environs being heavily mined.

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18. UNOMIG observers were not able initially to visit Gali or to verify any of these reports. Safe access was possible only with military escorts, which were not provided until 24 February, at which time UNOMIG observers were able to visit certain areas in the Gali district. They reported a tense situation with occasional and sporadic shooting. They saw few civilians on the roads they patrolled, and most of the houses they passed had been either burnt, looted or destroyed.

V. MODALITIES FOR DEPLOYMENT OF A PEACE-KEEPING OPERATION

19. In paragraph 22 of my report of 25 January 1994 (S/1994/80), I suggested two options that the Security Council might consider for the possible deployment of a larger international military presence in Abkhazia, Georgia. In option 1, the Council could establish a peace-keeping force, under United Nations command and control, to operate initially in the areas of Gali district and the Inguri and Psou rivers in order to monitor an effective separation of forces, to monitor the disarmament and withdrawal of armed units and, by its impartial presence in the Gali district, to help to create conditions that would be conducive to the return of refugees and displaced persons. Under option 2, the Council could authorize a multinational military force, not under United Nations command and consisting of contingents made available by interested Member States. UNOMIG would be maintained and entrusted with the tasks of monitoring the operations of the multinational force, liaising with the local authorities in Abkhazia and observing developments on the ground.

20. On 5 February, I dispatched a technical team to the area to study the modalities of deploying a possible peace-keeping operation under the two options described. The team joined, and was headed by, the Chief Military Observer of UNOMIG; UNHCR also sent representatives to work with the team, which remained in the area for two weeks.

21. The technical team was not able to produce a plan for the possible deployment of a traditional peace-keeping operation. Both parties had reservations regarding where an option-1 force would be deployed. The Abkhaz side would want it deployed along the Inguri River and not throughout Abkhazia, while the Georgian side would not agree to deployment to the east of the Inguri River. In addition, the Abkhaz side was also opposed to the presence of a United Nations civilian police component.

22. I have, through my staff, attempted to assess the possibility of keeping UNOMIG in being to observe a multinational military force as described in option 2 of my report (S/1994/80). In the absence of any concept of operation for such a force, it has not been possible to plan for the new functions of UNOMIG. Furthermore, the Chief Military Observer has advised me that both parties now seem to have reservations regarding the possible composition of such a force and seem to favour the establishment of a traditional peace-keeping operation as described in option 1.

23. In the circumstances, I intend to continue further planning of the modalities for such an operation and to report to the Council thereon as soon as the political negotiations have reached the point at which the Security Council might decide to establish the operation.

VI. OBSERVATIONS

24. Since my previous report (S/1994/80), the situation between the two parties to the conflict has not improved; on the contrary, it has worsened. As the meeting of the group of experts was taking place in Moscow in early February, reports were received of a renewal of fighting in the Gali region, leading to more deaths, destruction of homes and refugee flows. The situation continues to be extremely tense and, as warmer weather approaches, there will be a rising demand by refugees and displaced persons to return to their homes. They will face the results of widespread looting and burning of houses, ransacking of property, a lack of electricity and other utilities and a continued absence of law and order. If, notwithstanding these dangers, there are uncontrolled efforts by refugees to return home, incidents of violence will be likely.

25. A paradox exists. Both parties to the conflict have expressed their wish to see the deployment of a United Nations peace-keeping force or other forces authorized by the United Nations. Moreover, the Government of Georgia has appealed for an international peace-keeping force to be deployed, in the belief that its presence in the Gali region would be conducive to the return of the refugees. Indeed, UNHCR has made it clear that it cannot promote and organize a voluntary repatriation operation without there first being a peace-keeping deployment in the area. The Council has set certain conditions before it will consider the deployment of such a force. However, the Abkhaz side is taking political positions that prevent those conditions from being met. Thus, by not acceding to the Council's demand that all concerned recognize the territorial integrity of Georgia, the Abkhaz side is in effect preventing the United Nations from responding to a call for assistance from a Member State and blocking the orderly return of refugees.

26. The Abkhaz side, for its part, has certain anxieties, some of which are well-founded. The conflicts that have taken place in the past two years have been brutal on both sides and there is a fear that the return of refugees and displaced persons will include paramilitary elements that will instigate further violence. There is also the problem that there is no longer in Gali and its surrounding district adequate infrastructure to support large numbers of returnees. For example, a recent report from UNOMIG indicated that in the town of Gali 20 per cent of houses are without a roof and 70 per cent have been looted or burned. In the surrounding area the percentages are higher.

27. Other Abkhaz concerns arise from a misunderstanding of the role of a peace-keeping force. Some members of the Abkhaz leadership appear to believe that a peace-keeping force will be, in effect, an occupying force deployed in strength throughout the whole of Abkhazia. Moreover, they have declined to accept international civil police whose role would be to assist the Abkhaz authorities to restore law and order and to deal with the returnees on the grounds that this task should be the sole responsibility of local police, a

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position that can hardly be expected to inspire confidence in the returnees themselves after the events of the past few months.

28. Perhaps the strongest Abkhaz apprehension arises from the fact that the Abkhaz are a minority in their own land. Before the conflict began, they represented only some 17 per cent of the original population of some 550,000 people and even now they do not constitute a majority of the reduced population that remains. There is therefore a concern that the return of large numbers of Georgian refugees will make it more difficult for them to negotiate acceptable arrangements to guarantee their minority rights.

29. The Abkhaz leadership continues to proclaim, on television and radio in Sukhumi, as it did also to the technical planning team when it visited the area in February, that its objective is independence. It has been made clear to the Abkhaz side in the negotiations that independence achieved by force of arms is unacceptable to the international community. It has also been told that the deployment of a peace-keeping force only in the immediate area of the Inguri River would serve to accentuate the separation of Abkhazia from the rest of Georgia, without helping to create conditions of security for returnees.

30. The Security Council's requirement for substantive progress in the political negotiations has, at the date of the present report, not yet been met. It is essential that some success in this regard be achieved when my Special Envoy resumes his negotiations in New York on 7 March.

31. Without early political progress, fighting will be resumed before long. Furthermore, there will again be a serious risk that it will attract combatants from adjacent areas and elsewhere and conflict may spread to other parts of the Caucasus Mountains region.

32. The deployment of an international military presence could contribute to much needed stability in the area. As I stated in my previous report (S/1994/80), the situations that exist in the newly independent States of the former Soviet Union carry much significance for regional stability and international peace and security and are as worthy of United Nations attention as those in other regions. At present, however, the conditions that would make it possible to plan and deploy such a peace-keeping force with an achievable mandate do not exist.

33. I recognize that a view exists that the Organization is already overextended and is ill-placed to take on additional commitments. It is all the more necessary, therefore, to be sure that conditions obtain for a possible peace-keeping force to carry out the mandate entrusted to it by the Council. It also has to be said that a force that was authorized but not provided with adequate resources and slow in deployment would be of little value.

34. In the circumstances, I strongly urge both parties to make the necessary compromises when the negotiations resume on 7 March in order to avoid further outbreaks of fighting and to permit planning of the modalities for a peace-keeping operation to go forward. I shall report further to the Council when the outcome of those negotiations is known. In the meantime I recommend a short extension of UNOMIG under the existing mandate.

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Annex

Declaration on measures for a political settlement of the
Georgian/Abkhaz conflict

1. The third round of negotiations on a comprehensive settlement of the Georgian-Abkhaz conflict took place from 22 to 25 February 1994 in Geneva under the aegis of the United Nations with the facilitation of the Russian Federation and with the participation of representatives of the Conference on Security and Cooperation in Europe (CSCE) and a representative of the United Nations High Commissioner for Refugees (UNHCR).
2. The negotiations were held in accordance with Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993 and 896 (1994) of 31 January 1994.
3. The parties have agreed to and signed a quadripartite agreement, a copy of which is attached to the present Declaration, on the repatriation of refugees/displaced persons. The agreement provides for the return of refugees/displaced persons in accordance with existing international practice, including the practice of UNHCR. A special commission on refugees/displaced persons, which shall include representatives of the parties, UNHCR and the Russian Federation, and CSCE in an observer capacity, shall begin its work on ... March 1994. The implementation of the agreement will begin upon the deployment of a peace-keeping force.
4. The parties reaffirm their request for the early deployment of a peace-keeping operation and for the participation of a Russian military contingent in the United Nations peace-keeping force, as stated in the Memorandum of Understanding of 1 December 1993 (S/26875, annex) and the communiqué of 13 January 1994 (S/1994/32, annex). The plan for carrying out the peace-keeping operation will be agreed upon with the parties to the conflict. The realization of the peace-keeping operation should also promote the safe return of refugees/displaced persons. The parties again appeal to the United Nations Security Council to expand the mandate of the United Nations Observer Mission in Georgia (UNOMIG) at the Council's forthcoming consideration of the item on 7 March 1994.
5. The parties agree to continue energetic efforts to achieve a comprehensive settlement. In order to elaborate proposals on the re-establishment of their State and legal relations, the parties will set up an appropriate committee, which will work on an ongoing basis with participation of representatives of the United Nations, CSCE and the Russian Federation and with the involvement of international experts.
6. During the period of negotiations until a final solution to the question of the political status of Abkhazia is found, the parties will respect territorial integrity within the borders of the former Georgian Soviet Socialist Republic and the Abkhaz Autonomous Soviet Socialist Republic as of 21 December 1991.

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7. Abkhazia shall have its own Constitution and legislation and appropriate State symbols, such as anthem, emblem and flag.

8. The parties agree that, during the process of defining the political and legal status of Abkhazia, issues of joint competence and delimitation of powers will be considered. The decisions on these issues shall be set out in a special treaty.

9. At the present time, the parties have reached a mutual understanding to delegate powers for joint action in the following fields:

(a) Foreign policy and foreign economic ties;

(b) Border guard arrangements;

(c) Customs;

(d) Energy, transport and communications;

(e) Ecology and elimination of consequences of natural disasters;

(f) Ensuring human and civic rights and freedoms and the rights of national minorities.

Implementation of this agreement will be determined in the context of the comprehensive settlement.

10. The parties once again commit themselves, as set out in their communiqué of 13 January 1994, to the non-use of force or the threat of the use of force against each other.

11. The parties decided to take additional measures in connection with the search for missing persons and the reburial of the dead.

12. The parties, based on the fact that there is no statute of limitations applicable to war crimes, agreed to intensify efforts to investigate war crimes, crimes against humanity and serious criminal offences as defined by international and national law and bring the perpetrators to justice.

For the Georgian side:

J. IOSELIANI

For the Abkhaz side:

S. JINJOLIA

In the presence of:

From the United
Nations:

E. BRUNNER

From the Russian
Federation:

B. PASTUKHOV

From the Conference
on Security and
Cooperation in Europe:

V. MANNO



Security Council

Distr.
GENERAL

S/1994/254
4 March 1994

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication of 1 March 1994, which he has received from the Director General of the International Atomic Energy Agency (IAEA).

Annex

Letter dated 1 March 1994 from the Director General
of the International Atomic Energy Agency addressed
to the Secretary-General

I refer to my letters of 16 September (S/26456), 11 October (S/26456/Add.1) and 3 December 1993 (S/26456/Add.2). Pursuant to the Security Council's request in its resolution 825 (1993), these letters covered reports to the Council on the Agency's efforts to implement the Safeguards Agreement between the International Atomic Energy Agency and the Democratic People's Republic of Korea.

I now attach a further addendum, covering developments since early December 1993, and should be grateful if it could be brought to the attention of the Security Council.

(Signed) Hans BLIX
Director General

Appendix

Addendum dated 1 March 1994 to the report by the Director General of the International Atomic Energy Agency to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons

I. SUMMARY

1. In his last report to the Security Council on the implementation of the Agreement between the Government of the Democratic People's Republic of Korea and the International Atomic Energy Agency (IAEA) for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (S/26456/Add.2) transmitted on 3 December 1993, the Director General *inter alia* referred to his statement to the IAEA Board of Governors on 2 December, in which he had said that the safeguards system that was in place on declared nuclear material and installations in the Democratic People's Republic of Korea could not be said to provide any meaningful assurance of the peaceful use of those installations and that material. That was not however to say that the system could not, with renewed efforts, be fully or partially restored, if cooperation was forthcoming from the Democratic People's Republic of Korea. Against that background, the Director General also stated that the Agency was ready to send an inspection team to the Democratic People's Republic of Korea to perform a full range of inspection activities that had been indicated in detail to the Democratic People's Republic of Korea and were of the same kind as those undertaken about a year previously without objections by the authorities of the Democratic People's Republic of Korea. The Director General added that the specified inspection activities went far beyond maintenance activities but did not include the question of additional information and visits to additional locations, about which the Agency was mandated to consult separately with the Democratic People's Republic of Korea.

2. Following discussions between the Democratic People's Republic of Korea and the United States of America in December, the authorities of the Democratic People's Republic of Korea indicated to the Agency at the beginning of January that they were ready to accept inspection of declared nuclear material and installations in the Democratic People's Republic of Korea required to provide "the continuity of safeguards". Since then several detailed rounds of working-level discussions have taken place in Vienna between Agency officials and representatives of the Democratic People's Republic of Korea's Permanent Mission about activities to be performed by the Agency during the next inspection in the Democratic People's Republic of Korea at the seven declared facilities. While the discussions have not brought agreement about the formal basis of the inspection, a detailed list of inspection activities that the Agency requested be performed at the next inspection has been established and accepted.

3. During the discussions and in its talking points, the Democratic People's Republic of Korea has referred to what it terms the "unique situation" of the

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Democratic People's Republic of Korea under the Non-Proliferation Treaty, a situation in which the Democratic People's Republic of Korea has itself defined what inspection activities are necessary to ensure "continuity of safeguards". The Agency has reiterated that it is only for its secretariat, acting in conformity with a relevant safeguards agreement and accountable to the Board of Governors, to determine which inspection activities are required to meet its technical requirements. The safeguards system consists of many interrelated components that are designed together to give assurance of the peaceful use of nuclear installations and material. "Continuity of safeguards" is therefore the continuity of the safeguards system.

4. The discussions between the Democratic People's Republic of Korea and the secretariat have centred on technical requirements. The Agency has listed in detail all the inspection activities that it needs to carry out. It has made clear that, although the scope of the inspection that the Agency now needs to perform is not open to negotiation, the secretariat is always ready to clarify to a party why each specific inspection activity is necessary and what it will consist of. It has done so to the Democratic People's Republic of Korea both orally and in writing.

5. The Agency has indicated that the aim of the next inspection is the acquisition of sufficient data to enable it to verify that there has been no diversion of nuclear material at the seven declared facilities since the earlier inspections and to take such measures as are needed to allow future verification of non-diversion. While the Democratic People's Republic of Korea has only implicitly accepted the latter part of the inspection objective, which involves the maintenance of video cameras and the application of seals, it has explicitly accepted the first part.

6. On 15 February 1994, following the explanations and clarifications provided by the Agency during discussions, the Democratic People's Republic of Korea transmitted a detailed list of inspection activities that it was ready to accept at seven facilities, a list of activities that corresponds to the Agency's request.

7. The Director General reported to the Board of Governors at its meeting on 21 February. Referring to the next inspection in the Democratic People's Republic of Korea, he said that, for the inspection actually to take place, the understanding reached on 15 February needed to be followed up by customary cooperation regarding the entry and work of the inspectors. In this respect, a telex of 21 February just received from the Democratic People's Republic of Korea expressed the hope that the inspection would take place "at an early date". The Director General added that it appeared from the telex that the authorities of the Democratic People's Republic of Korea were linking the date of the receipt of the IAEA inspection with the dates of "a number of specific action measures" related to currently expected contacts between the United States and the Democratic People's Republic of Korea. He expressed the hope that the inspection would materialize very soon and that he would in due course be able to report to the Board on its results.

8. As of 23 February when the Board of Governors of IAEA concluded a regular session, visas for the inspection team had not yet been issued and the Chairman

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of the Board concluded that, if a firm early date for the start of the inspection had not been settled by the end of the month (February), the Director General should immediately convene a Board meeting.

9. On Saturday 26 February visas were issued and the inspectors departed, scheduled to arrive in Pyongyang on 1 March to begin the inspection of the seven declared nuclear facilities in the Democratic People's Republic of Korea.

10. It must be noted that the inspection activities which the Agency and the Democratic People's Republic of Korea agreed on relate to the seven nuclear facilities declared by the Democratic People's Republic of Korea. They do not address the need for access to additional information and locations nor do they address other activities required to verify the completeness of the Democratic People's Republic of Korea's initial inventory of nuclear material and facilities.

II. CHRONOLOGY

11. The following describes developments over the implementation of the Democratic People's Republic of Korea's Safeguards Agreement with the Agency since the Director General's report of 1 December and oral report to the Board.

12. On 2 December 1993, the Board shared the Chairman's summing-up, according to which the Board "expressed support for the efforts of the Director General and the secretariat for implementation of the agreement recorded in INFCIRC/403, which remains in force", and endorsed the Director General's view that "safeguards activities are a whole, not a list of options from which States can select individual elements and reject others". It asked the Director General "to keep the Board informed of developments at its next meeting and also to continue to keep the Secretary-General of the United Nations informed."

13. Pursuant to this request of the Board and further to his communications of 16 September and 11 October 1993 to the United Nations Secretary-General (S/26456 and Add.1), the Director General on 3 December transmitted a further update of developments on the Democratic People's Republic of Korea to the Secretary-General (S/26456/Add.2). He asked that it be brought to the attention of the Security Council.

14. On 7 December 1993, the Deputy Director General for Safeguards, in a telex to Director Choi of the Department of External Relations at the Democratic People's Republic of Korea's Ministry for Atomic Energy referred to the Board's discussion about the implementation of the Democratic People's Republic of Korea-IAEA Safeguards Agreement at its December meeting, during which the Agency's views on the resumption of inspection activities, as specified in the Agency's telex of 8 September 1993, had been fully reaffirmed. He said that those inspection activities "are overdue and necessary to halt the further deterioration of relevant safeguards data". He added that other activities had also become necessary "in view of the failure of surveillance and containment devices." These activities included "verification of discharged fuel at the SMW reactor as well as activities for the verification of operational data and status of both the reactor and the radiochemical laboratory."

15. The Deputy Director General for Safeguards reiterated that those activities "must be viewed as an integral whole", said that they "must be performed to provide assurance of the peaceful use of declared nuclear installations and material", and also that the scope of these activities "flows directly from the mandate of the Agency and is not subject to any negotiation." In conclusion, the Deputy Director General expressed his hope that the clarification provided would enable the inspectors "to resume inspections in the Democratic People's Republic of Korea". He confirmed that the Agency "remains ready at any time to consult with a delegation from the Democratic People's Republic of Korea on any of the outstanding safeguards issues".

16. In "talking points" handed over on 20 December, the Democratic People's Republic of Korea indicated its stand "to resolve even the IAEA-related issues within the frame of Democratic People's Republic of Korea-United States talks," an approach which "comes from past lessons." The Democratic People's Republic of Korea stated that "both the Democratic People's Republic of Korea and the United States sides have [their] own tasks to fulfil. The United States should remove the nuclear threat posed on the Democratic People's Republic of Korea and give up its hostile policy towards the Democratic People's Republic of Korea, and the Democratic People's Republic of Korea should provide transparency of its nuclear activities through the Agency inspections." The Democratic People's Republic of Korea had put forward "a package solution". "If the Democratic People's Republic of Korea accepts the Agency technical inspection for maintaining the continuity of safeguards and if the United States stops military exercise 'Team Spirit 94', the third stage of Democratic People's Republic of Korea-United States talks might be held; ... If both sides accept a formula of package solution at the third stage of Democratic People's Republic of Korea-United States talks, the Democratic People's Republic of Korea will accept the Agency's full inspection and hold a consultation with IAEA to resolve the partiality issues. At that time, the Democratic People's Republic of Korea's Non-Proliferation Treaty status will not be questioned."

17. The Democratic People's Republic of Korea further indicated that "the Democratic People's Republic of Korea is ready to open its seven facilities, included in the initial report, and to accept the Agency's technical inspection required to maintain the continuity of safeguards." With regard to the experimental nuclear power plant and the radiochemical laboratory, "it [Democratic People's Republic of Korea] is ready to allow the Agency to monitor its operation by replacement of surveillance equipment, as done in May and August of this year [1993]". As to additional inspections required by the Agency "to recover the period in which the surveillance equipment was out of operations, the Democratic People's Republic of Korea is ready to discuss and permit, within a reasonable scope, more inspection activities required. ... These inspections do not result from the legal obligations under the Safeguards Agreement but are, exclusively, technical inspections permitted to provide the continuity of safeguards. In fact, the Democratic People's Republic of Korea's Non-Proliferation Treaty status is at present an extraordinary one."

18. On 7 January 1994, a representative of the Democratic People's Republic of Korea Mission called on the Director of the Operations Division responsible for the Democratic People's Republic of Korea within the Department of Safeguards and presented further talking points, which can be summarized as follows:

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(a) The Democratic People's Republic of Korea's views on matters related to IAEA had been set out in its talking points of 20 December 1993 and remained unchanged;

(b) The Democratic People's Republic of Korea was ready to accept inspection required to provide for the continuity of safeguards:

(i) "For the five facilities (critical assembly, sub-critical assembly, IRT research reactor, fuel fabrication plant, fuel storage facility) full inspection is permitted;

(ii) For the experimental nuclear power plant and the radiochemical laboratory, the replacement of surveillance devices and seals is permitted as before";

(c) Additional inspections, which "may be required to remedy the gap during which the surveillance equipment failed to operate, will be arranged in such a way as to provide sufficiently the continuity of safeguards information and will be realized through consultations;"

"Since the scope of additional inspections is a technical matter it is preferable to discuss and resolve it on the spot between the operators and inspectors."

19. The Director of the relevant Safeguards Division responded inter alia that:

(a) The Agency was ready to discuss the technical requirements for an inspection. It needed to carry out inspections according to its safeguards technical criteria at facilities mentioned in the Democratic People's Republic of Korea's talking points. Given the Democratic People's Republic of Korea's position about full inspection at five of those facilities, the Agency did not foresee difficulties about them. However, it also needed to perform all the technically required inspection activities at the experimental nuclear power plant and the radiochemical laboratory, including, but not limited to, inspection activities related to containment and surveillance;

(b) As for the Democratic People's Republic of Korea's suggestion about "on-the-spot" discussions between operators and inspectors, the Agency would prefer to reach clear agreement in advance in Vienna concerning all activities to be carried out at the seven declared facilities.

20. On 10 January 1994, and following the meeting held with the Democratic People's Republic of Korea representative on 7 January, the Agency gave the Democratic People's Republic of Korea's Permanent Mission, at its request, a detailed written list of all the activities that the Agency needed to carry out at the Democratic People's Republic of Korea's seven declared facilities and which had been described orally at the meeting on 7 January. The stated objective of the inspection was "the acquisition of sufficient data to enable the Agency to verify that there has been no diversion of nuclear material since the earlier inspection and to take such measures as are needed to allow for the verification of non-diversion."

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21. On 17 January, a further meeting took place between the Democratic People's Republic of Korea Mission and the Agency representatives. The Democratic People's Republic of Korea representative presented and handed over talking points, giving the views of the Democratic People's Republic of Korea authorities on the recent consultations between their representative and Agency officials:

(a) The Democratic People's Republic of Korea authorities considered that "the recent consultations between the Democratic People's Republic of Korea and the Agency are being held in accordance with the agreement between the Democratic People's Republic of Korea and the United States", in keeping with which they had agreed "to provide the continuity of safeguards adequate to the extraordinary Non-Proliferation Treaty circumstances of the Democratic People's Republic of Korea";

(b) This inspection "should be aimed to verify non-diversion of nuclear material from the nuclear facilities since the last inspection".

22. The talking points listed all the inspection activities which the Democratic People's Republic of Korea was ready to accept based on its earlier talking points of 7 January and the Agency's of 10 January. However, the Democratic People's Republic of Korea did not express agreement with the full list of activities which the Agency regarded as indispensable to achieve the objective of the inspection.

23. The Director of the Division of Safeguards Operations (A) responded to the Democratic People's Republic of Korea's talking points by explaining in detail the technical reasons why each of the activities in the Agency's list of 10 January had to be carried out.

24. These oral explanations and clarifications were followed on 19 January with written ones. The talking points also made clear that all the activities in the Agency's communication of 10 January to the Democratic People's Republic of Korea were essential to the objective of the inspection.

25. The Agency regretted that, although the Democratic People's Republic of Korea had accepted some of the inspection activities, it had not accepted others. The Democratic People's Republic of Korea's talking points had referred to an agreement between the Democratic People's Republic of Korea and the United States, under which the Democratic People's Republic of Korea would accept inspection by IAEA. While that was positive, it was for the IAEA secretariat, accountable to the Board of Governors, to determine the scope and content of an inspection. Although the Democratic People's Republic of Korea had the same view as the Agency on the objective of the forthcoming inspection, there remained differences and misunderstandings. The Agency was "always ready to clarify to a party why specific safeguards activities are required," in order to have the understanding of the party to the activities. It was not ready, however, to "perform an inspection which, in its considered view, is not adequate to effectively achieve its stated objective."

26. Against that background, the Agency's talking points reiterated the inspection activities required. Where the Democratic People's Republic of Korea

had not agreed to an activity, the Agency provided further clarifications, focusing, on the cases where there was loss of continuity in containment and surveillance application, on the activities needed in order to re-establish the continuity of knowledge about the nuclear material and facilities.

27. The talking points of 19 January 1994 also made clear that the inspection activities listed in the Agency's letter of 10 January 1994 were limited to the seven nuclear facilities declared by the Democratic People's Republic of Korea. They did not address the need for access to additional information and sites or other activities required to verify the completeness of the initial inventory of nuclear material and facilities in the Democratic People's Republic of Korea. These issues were to be taken up in future consultations between the Agency and the Democratic People's Republic of Korea.

28. On 24 January at a further meeting, the representative of the Democratic People's Republic of Korea's Permanent Mission conveyed his authorities' views, both orally and in writing, about the Agency's talking points of 19 January 1994. These were, inter alia, that "the Secretariat's proposal of 10 January 1994 goes beyond the objective of the present consultation and is the same as the scope of routine and ad hoc inspections under the Safeguards Agreement." The talking points further specified those inspection activities at seven facilities which the Democratic People's Republic of Korea was ready to permit.

29. At the meeting on 24 January and in talking points of 25 January given to the representatives of the Democratic People's Republic of Korea's Permanent Mission, the Agency made clear that its own views as to the formal basis and scope of the inspection were quite at variance with the Democratic People's Republic of Korea's views. The Agency inter alia described its understanding of the Democratic People's Republic of Korea's acceptance of specific inspection activities and expressed its concern that others had not been accepted, e.g. certain activities required to restore knowledge about the nuclear material and facilities in cases where there was interruption in the continuity of containment and surveillance applications.

30. The Agency asked for the Democratic People's Republic of Korea's confirmation of the Agency's understandings and requested the Democratic People's Republic of Korea to reconsider specific aspects of its position on required inspection activities. The talking points concluded by saying that, "subject to such actions by the Democratic People's Republic of Korea, the Agency will be in a position to initiate the inspection under discussion".

31. In a note of 2 February, the Permanent Mission of the Democratic People's Republic of Korea asked the Agency secretariat to circulate to all States members of the Board of Governors of IAEA a statement by a spokesman of the Foreign Ministry of the Democratic People's Republic of Korea of 31 January 1994 in Pyongyang.

32. In this statement, the Democratic People's Republic of Korea stated inter alia that "it is within the framework of the Democratic People's Republic of Korea-United States agreement and with our extraordinary patience and maximum tolerance that we have so far discussed with the IAEA secretariat the scope of

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the inspection intended to provide the continuity of the safeguards". However, "the IAEA secretariat has deliberately ignored the unique status of the Democratic People's Republic of Korea, which set a moratorium on its declared withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons, and tried stupidly to force full-scope inspections equivalent to the Democratic People's Republic of Korea's de facto return to the Treaty, inspections on which the Democratic People's Republic of Korea and the United States could reach an accord at their future talks, instead of the inspection designed for the continuity of the safeguards" (see S/1994/105, annex).

33. On 15 February, a further meeting took place between the Democratic People's Republic of Korea's Mission and Agency representatives at which the Democratic People's Republic of Korea's representatives conveyed their authorities' written response to the Agency's talking points of 25 January. This response inter alia reaffirmed the Democratic People's Republic of Korea's views on the basis and scope of inspection at the Democratic People's Republic of Korea's seven declared nuclear activities. These remained the same as in the Democratic People's Republic of Korea's talking points of 24 January. The response further contained a detailed list of the inspection activities to which agreement was given, a list which corresponded to the Agency's request, and included certain activities required to restore knowledge where containment or surveillance devices had failed.

34. In a telex of 15 February to Director Choi of the Department of External Relations at the Democratic People's Republic of Korea Ministry for Atomic Energy, the Deputy Director General for Safeguards referred to the discussions that had been taking place between the Democratic People's Republic of Korea and Agency representatives which "dealt with the inspection activities to take place during the forthcoming inspection in the Democratic People's Republic of Korea". He confirmed the Agency's views on the basis and scope of the inspection. He also said that "the forthcoming inspection of the declared nuclear material and facilities in the Democratic People's Republic of Korea aims at the acquisition of sufficient data to enable the Agency to verify the non-diversion of nuclear material since the earlier inspection and the taking of such measures as are needed to allow future verification of non-diversion, thereby ensuring continuity". He noted that the inspection activities requested by the Agency on 10 January 1994 had been accepted by the Democratic People's Republic of Korea following the clarifications provided by the Agency in its talking points of 19 and 25 January 1994. The telex concluded by underlining that it was important that the inspection started as soon as possible and proposed that Agency inspectors should leave Vienna on 20 February to start the inspection on 22 February. For that reason it was asked that visa arrangements be finalized in Vienna at the latest by 18 February.

35. At the Board of Governors' meeting on 21 February, the Director General drew the Board's attention to Director Choi's response of that date to the Deputy Director General's communication of 15 February. In his telex of 21 February, Director Choi said he thought it fortunate "that the Democratic People's Republic of Korea-IAEA consultations in Vienna from January 7 have finally produced agreement on the scope of inspection needed for maintaining the continuity of safeguards". The telex continued by saying that "we (Democratic People's Republic of Korea) hope that the Agency's inspection ... will take

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place at an early date". However, "the date of receiving the Agency's inspection team is to be examined and finally determined at the soon expected Democratic People's Republic of Korea-United States contact in coordination with the date of a number of specific action measures to be taken. We hope that the Agency will understand this". Director Choi concluded by saying that the Democratic People's Republic of Korea was scheduled to meet the United States "in one or two days' time for discussion on the date of receiving the inspection team". Meanwhile, visa applications for inspection team members could be submitted to the Democratic People's Republic of Korea Embassy in Vienna.

36. On 23 February at the close of its discussion about the Democratic People's Republic of Korea, the Board of Governors shared its Chairman's summing up which reads as follows:

"The Board:

"Expressed its continuing, deep concern at the seriousness of the situation and its support for a negotiated, peaceful resolution of the nuclear and other security issues of the Korean peninsula;

"Also reiterated its support for the safeguards system;

"Expressed its appreciation and support for the Director General and his staff in this matter and reiterated its full confidence in the secretariat;

"Welcomed the agreement of 15 February between the Democratic People's Republic of Korea and IAEA (on inspection activities) and urged the Democratic People's Republic of Korea to cooperate further with the Agency;

"Noted that the agreement on inspection of seven declared facilities was only a first step towards resolution of all the nuclear issues, including that of full compliance by the Democratic People's Republic of Korea with its obligations under its Safeguards Agreement;

"Expressed concern that the inspectors had not yet been allowed to travel to the Democratic People's Republic of Korea. This inspection should take place in the very near future;

"Noted that a large number of Board members had asked the Director General immediately to convene a Board meeting in the absence of satisfactory developments in connection with the inspection, notably if a firm, early date for the start of the inspection had not been settled by the end of this month. It was the sincere hope of the Board that such a step would not be necessary."

37. On 26 February, Agency inspection team members received entry visas for the Democratic People's Republic of Korea through the Democratic People's Republic of Korea Permanent Mission in Vienna and departed with a schedule to arrive in Pyongyang on 1 March to begin the inspection of the seven declared nuclear facilities in the Democratic People's Republic of Korea.



Security Council

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S/1994/255
4 March 1994

ORIGINAL: ENGLISH

LETTER DATED 3 MARCH 1994 FROM THE PERMANENT REPRESENTATIVES
OF BOSNIA AND HERZEGOVINA AND CROATIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from our Governments, we have the honour to enclose the Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croat Population, and the Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and the Federation. The two documents were signed in Washington on 1 March 1994, under the auspices of the United States of America, by His Excellency Haris Silajdzic, Prime Minister of the Republic of Bosnia and Herzegovina, His Excellency Mate Granic, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, and Mr. Kresimir Zubak, head of the Bosnian Croat delegation at the International Conference on the Former Yugoslavia.

We would kindly request for your assistance in distributing this letter and its enclosure as a document of the Security Council.

(Signed) Ambassador Muhamed SACIRBEY
Permanent Representative
of the Republic of Bosnia and
Herzegovina to the United Nations

(Signed) Ambassador Mario NOBILO
Permanent Representative
of the Republic of Croatia
to the United Nations

Enclosure

The undersigned have agreed on the attached Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croat Population and on the attached Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and the Federation.

They have further agreed to establish a high-level Transitional Committee, which will take immediate and concrete steps towards the establishment of the Federation and Confederation. The Committee will begin its work on 4 March 1994 in Vienna and will seek to conclude by 15 March 1994:

- (1) The Constitution of the Federation;
- (2) The Preliminary Agreement on the Confederation between the Republic of Croatia and the Proposed Federation;
- (3) An agreement concerning military arrangements in the territory of the proposed Federation;
- (4) Transitional measures to expedite the establishment of the Confederation and Federation, including where possible the creation of governmental structures as outlined in the Framework Agreement;

and any other measures determined to be necessary.

(Signed) Kresimir ZUBAK (Signed) Haris SILAJDZIC (Signed) Mate GRANIC

Attachment I

Framework agreement
for
the Federation

I
ESTABLISHMENT

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Rights of Persons belonging to National, Ethnic, Religious or Linguistic Minorities, the Statement of Principles by the International Conference on the Former Yugoslavia at its session in London, as well as the decisions of the United Nations Security Council relating to the former Yugoslavia; and

Based on the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina, the peoples and citizens of Bosnia and Herzegovina, determined to ensure full national equality, democratic relations, and the highest standards of human rights and freedoms, hereby create a Federation.

Bosniacs and Croats, as constituent peoples (along with others) and citizens of the Republic of Bosnia and Herzegovina, in the exercise of their sovereign rights, transform the internal structure of the territories with a majority of Bosniac and Croat population in the Republic of Bosnia and Herzegovina into a Federation, which is composed of federal units with equal rights and responsibilities.

The decisions on the constitutional status of the territories of the Republic of Bosnia and Herzegovina with a majority of Serb population shall be made in the course of negotiations toward a peaceful settlement and at the International Conference on the Former Yugoslavia.

II DIVISION OF RESPONSIBILITIES

1. The central government to have exclusive responsibility for:

- Foreign affairs.
- National defense: including joint command; joint military arrangements within the Confederation; and protection of national borders.
- Citizenship.
- Economic policy, including planning and reconstruction.
- Commerce, including customs, international trade and finance; trade within the Federal Republic; communications.
- Finance: national currency; monetary and fiscal policy; regulation of financial institutions; joint arrangements within the Confederation.
- Combatting international crimes, inter-cantonal crimes, and others of special interest to the central government (e.g., terrorism, drug trafficking, and organized crime); and cooperating with Interpol.
- Financing of the central government (taxation, borrowing).
- Radio-television frequency allocation.
- Energy policy and infrastructure, including inter-cantonal distribution/allocation matters.

2. The central government and the cantons to have responsibility for:

- Human rights.
- Health.
- Environmental policy.
- Infrastructure for communications and transport.
- Social welfare policy.
- Citizenship, implementation of laws and regulations.
- Immigration and asylum.
- Tourism.
- Use of natural resources.

As appropriate, these responsibilities may be exercised jointly or separately, or by the cantons as coordinated by the central government.

3. The cantons shall have all responsibility not expressly granted to the central government. They shall have, in particular, authority over the following:

- Police (identical Federation uniforms, with cantonal insignia).
- Education.
- Culture.
- Housing.
- Public services.
- Local land use (zoning).
- Financing of cantonal governments (taxation, borrowing).
- Local business and charitable activities (regulation, facilitation).
- Energy production (organization of local production facilities).
- Radio and television.
- Social welfare services (provision).
- Tourist development.

III STRUCTURE OF GOVERNMENT

I. CENTRAL GOVERNMENT

A. Executive Authority

1. The President and Vice-President:

a. The Legislature shall elect one Bosniac and one Croat, who shall serve alternate one-year terms as President and Vice-President during a four-year period.

b. The President shall be the head of state.

2. The Government:

a. The Government shall consist of a Prime Minister; a Deputy Prime Minister; and Ministers, each of whom shall have a Deputy. No Deputy (including the Deputy Prime Minister) may be from the same constituent people as his Minister.

b. The President, with the concurrence of the Vice-President, shall nominate the Government, which shall be elected by the House of Representatives. No fewer than one-third of the Ministerial positions shall be occupied by Croats.

c. The Prime Minister shall be the head of government.

3. The respective competencies of the President and of the Prime Minister and the Government shall be specified in the Constitution.

4. Decisions of the Government that concern the vital interest of any of the constituent peoples shall require consensus.

B. The Legislature

1. The Legislature shall consist of two houses:

a. The House of Representatives, which shall be elected democratically on a proportional basis in the Federation as a whole;

b. The House of Peoples, which shall have an equal number of Bosniac and Croat delegates. Each canton shall be allocated a number of seats to be occupied by Bosniac delegates and a number of seats to be occupied by Croat delegates, in proportion to these two groups in the Legislature of that canton; the Bosniac and Croat delegates from each canton are to be elected, respectively, by the Bosniac and Croat representatives in its Legislature.

2. Decisions of the Legislature require the approval of both Houses.

a. Decisions that concern the vital interest of any of the constituent peoples shall require, in the House of Peoples, the approval of a majority of the Bosniac representatives and of a majority of the Croat representatives.

b. Amendments of the Constitution shall require in the House of Peoples the vote specified in (a) above and, in the House of Representatives, a two-thirds majority.

c. Other decisions shall be taken by simple majority in each House.

C. The Judiciary

1. There shall be a Constitutional Court competent to resolve disputes among the cantons, between any of these and the Federation, between any municipality and its canton or the Federation, or between or within any of the organs of the Federation. The judges shall be nominated by the President and elected by the Legislature, and shall consist of an equal number from each of the constituent peoples; during a transitional period of five years, one-third of the judges shall be appointed by the President of the International Court of Justice from persons who are not citizens of the Federation.

2. There shall be a Human Rights Court established in accordance with Resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose composition and competence shall be specified in the Constitution.

3. There shall be a Supreme Court, which shall have selective appellate jurisdiction from the courts of the cantons and such jurisdiction as specified in the Constitution and in legislation. The members of the Court shall be nominated by the President and elected by the Legislature, and shall consist of an equal number of judges from each of the constituent peoples.

II. THE CANTONAL GOVERNMENTS

Each canton shall take all necessary steps to ensure the protection of the rights and freedoms provided in the instruments listed in the Annex and shall act consistently with the Constitution of the Federation.

Each canton shall exercise its responsibilities with due regard to the population in each municipality. It may delegate appropriate powers to municipality and should do so when the municipality's majority population is a minority in the canton as a whole.

A. Executive Authority

1. President: The Cantonal President shall be elected by a uniform procedure to be specified in the Federation Constitution and reflected in the constitutions of the cantons.

2. Government: The Cantonal Government shall be nominated by the Cantonal President and approved by the Cantonal Legislature. Each Cantonal Government shall have a composition reflecting that of the population of the canton.

3. In exercising its responsibilities in respect to the cantonal police, the Cantonal Government shall ensure that the composition of the police shall reflect that of the population of the canton, provided that the composition of the police of each municipality shall reflect the composition of the latter.

B. The Legislature

Each canton shall have a Legislature, which shall be elected democratically on a proportional basis in the canton as a whole.

C. The Judiciary

Each canton shall have courts, which shall be competent to hear appeals from the courts of the municipalities, and have original jurisdiction over cases not within the competence of those courts. The judges shall be nominated by the Cantonal President and elected by the Cantonal Legislature, in such a way that the composition of the judiciary as a whole shall reflect that of the population of the canton.

III. THE MUNICIPALITY GOVERNMENTS

1. Municipalities shall exercise self-rule on local matters.
2. The Municipality Executive: Each municipality shall have an Executive elected by its Governing Council.
3. Each municipality shall have a Governing Council elected democratically on a proportional basis.
4. Each municipality shall establish courts, the jurisdiction of which shall be specified by cantonal legislation.

IV COUNCILS OF CANTONS

Cantons with a Bosniac-majority or a Croat-majority population may establish Councils of Cantons in order to coordinate policies and activities on matters of common interest to their communities and to advise their representatives in the House of Peoples.

V HUMAN RIGHTS

The principles set forth below, as well as the rights and freedoms provided in the instruments listed in the Annex, shall be applied throughout the territory of the Republic of Bosnia and Herzegovina.

In the Federation:

1. All persons within the territory of the Federation shall be entitled to the highest level of internationally recognized rights and freedoms provided in the instruments listed in the Annex.

2. All refugees and displaced persons have the right to freely return to their homes of origin.

3. All persons shall have the right to have restored to them any property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land or property, shall be treated as null and void.

4. All courts, administrative agencies and other governmental organs of the Federation shall apply and conform to the rights and freedoms provided in the instruments listed in the Annex. A Court of Human Rights shall be established; its composition and competence shall be set out in the Constitution.

5. The Federation shall cooperate with any international human rights monitoring mechanisms established for Bosnia and Herzegovina and with the supervisory bodies established by any of the instruments listed in the Annex.

6. To assist in implementing the rights and freedoms specified in the Constitution, an Ombudsman shall be appointed by the CSCE from each recognized group: Bosniacs, Croats, and others. Each Ombudsman shall have offices throughout the Federation as he deems appropriate and shall have the responsibility to investigate fully matters concerning security, rights, and freedoms and to report to competent government agencies, including the Prime Minister of the Federation, and to the CSCE.

VI MILITARY ARRANGEMENTS

Both sides agree to the establishment of a unified military command of the military of the Federation.

The sides will develop comprehensive transitional arrangements to that end in the context of a military agreement. In the transitional period:

- current command structures will remain in place;
- forces of the sides will disengage from one another immediately, with the aim of withdrawing a safe distance to be specified in the military agreement; and
- all foreign armed forces, except those present with the agreement of the Republic of Bosnia and Herzegovina or the authorization of the U.N. Security Council, will leave the territory of the Federation.

VII
APPROVAL OF THE CONSTITUTION

The Constitution of the Federation will be promulgated by a Constituent Assembly, which shall consist of those representatives elected at the 1990 elections to the Assembly of the Republic of Bosnia and Herzegovina whose mandate is still valid. Approval of the Constitution shall require consensus between the delegation of the Croat people, comprising all representatives of Croat nationality, and the delegation of the Bosniac people, comprising all representatives of Bosniac nationality.

VIII
ARRANGEMENT
DURING THE TRANSITIONAL PERIOD

The two parties agree to establish a high level Committee which will prepare a draft Constitution of the Federation and coordinate other matters related to the implementation of the Framework Agreement. The Committee will start its work in Vienna on March 4, 1994.

Until the Constitution of the Federation enters into force, the present administrative arrangements will continue in effect everywhere in the Republic of Bosnia and Herzegovina, unless the Committee decides otherwise by consensus and except in the Mostar City Municipality, which the two sides agree will be governed by an EU Administrator for up to two years.

ANNEX

HUMAN RIGHTS INSTRUMENTS INCORPORATED
INTO THE CONSTITUTIONAL AGREEMENT

A. General Human Rights, especially Civil and Political Rights

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1948 Universal Declaration of Human Rights, Articles 1-21
3. 1949 Geneva Conventions I-IV on the Laws of War, and the 1977 Geneva Protocols I-II thereto
4. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto
5. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto
6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
7. 1966 International Covenant on Civil and Political Rights and its 1966 and 1989 Optional Protocols thereto
8. 1979 International Convention on the Elimination of All Forms of Discrimination against Women
9. 1981 (UN) Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief
10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
12. 1989 Convention on the Rights of the Child

B. Protection of Groups and Minorities

13. 1990 Council of Europe Parliamentary Assembly Recommendation on the Rights of Minorities, paras. 10-13

14. 1992 (UN) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

C. Economic, Social and Cultural Rights

- 15. 1948 Universal Declaration of Human Rights, Articles 22-27
16. 1961 European Social Charter and the Protocol 1 thereto
17. 1966 International Covenant on Economic, Social and Cultural Rights

D. Citizenship and Nationality

18. 1957 Convention on the Nationality of Married Women
19. 1961 Convention on the Reduction of Statelessness

Attachment II

OUTLINE OF A
PRELIMINARY AGREEMENT
ON THE PRINCIPLES AND FOUNDATIONS
FOR THE ESTABLISHMENT OF A CONFEDERATION
BETWEEN
THE REPUBLIC OF CROATIA
AND
THE FEDERATION

It is anticipated that a Confederation will be established by the Republic of Croatia (hereinafter "Croatia") and the Federation of Bosnia and Herzegovina (hereinafter the "Federation").

The steps toward establishing the Confederation shall be:

- (1) A preliminary agreement, to be concluded as soon as possible; and
- (2) A final agreement, to be concluded between Croatia and the Federation as soon as the latter is established.

I

The establishment of the Confederation shall not change the international identity or legal personality of Croatia or of the Federation.

II

The Confederation shall, through the enactment of regulations and otherwise:

- (1) Establish a common market providing for the free movement of goods, services, and capital; and

(2) Facilitate cooperation and the development of common policies in the following areas:

- (i) transport;
- (ii) energy;
- (iii) the environment;
- (iv) economic policy, including laws and regulations governing the development of free markets, finance, and customs;
- (v) the reconstruction of the economy;
- (vi) health care;
- (vii) culture, science, and education;
- (viii) product standardization and consumer protection;
- (ix) migration, immigration, and asylum;
- (x) law enforcement, particularly with regard to terrorism, smuggling, drug abuse, and organized crime.

III

Croatia and the Federation shall as soon as possible enact internal regulations and conclude agreements under the auspices of the Confederation necessary to establish:

- (1) A customs union;
- (2) A monetary union; and
- (3) Defense arrangements, including the coordination of defense policies and the establishment of joint command staffs in the event of war or imminent peril to either Party.

IV

The Parties shall conclude as soon as possible agreements granting the Federation unrestricted access to the Adriatic through Croatia and granting Croatia unrestricted transit through Neum, as specified in the attached Annex.

V

In order to coordinate their policies and activities as provided in this Agreement, the Parties shall constitute a Confederative Council, in which each Party shall have an equal number of members. Conclusions of the Council shall require the approval of a majority of the members from each Party.

The President of the Confederative Council shall be elected by the Council for a term of one year, alternately from among the members of each Party.

Annex I

AGREEMENT BETWEEN THE REPUBLIC OF CROATIA
AND THE FEDERATION
GRANTING THE FEDERATION ACCESS TO THE ADRIATIC THROUGH THE
TERRITORY OF THE REPUBLIC OF CROATIA

The Republic of Croatia
and
The Federation

Considering that it is desirable that Federation (hereinafter the "Federation") have assured and unrestricted access to the Adriatic Sea on the surface and in the air through and over the territory of the Republic of Croatia (hereinafter "Croatia"),

HEREBY AGREE AS FOLLOWS:

Article 1

(a) Croatia shall lease to the Federation for the duration of this Agreement the plot of land within the Port of Ploce, including the docks and the parts of the harbour pertaining thereto described in the Annex hereto (hereinafter referred to as the "Leased Area").

(b) Croatia agrees that the Leased Area shall enjoy the status of a free zone, in which no duties or taxes imposed by Croatia shall apply.

Article 2

(a) Croatia shall allow access to and from the Leased Area:

(i) By ships from the Adriatic Sea, through the territorial waters of Croatia, subject to such ships complying with any applicable international regulations;

/...

- (ii) By ships or barges up the Neretva River up to the point where that River enters the territory of the Federation;
- (iii) By railroad on the line between Ploce to Sarajevo up to the point where that railroad line enters the territory of the Federation;
- (iv) By road between Ploce to Sarajevo up to the point where that road enters the territory of the Federation.

(b) Ships, barges, railroad cars, and trucks and other road vehicles using the routes referred to in paragraph (a) that are marked by an emblem of the Federation shall not be entered or inspected by any public authority of Croatia.

(c) Limits on the sizes and specifications of the characteristics of the ships, barges, railroad cars, and trucks and other road vehicles referred to in paragraph (b) and of the volume of traffic on the routes referred to in paragraph (a) may be set by the Joint Commission established in accordance with Article 4.

(d) Should the limits set in accordance with paragraph (c) restrict the volume of traffic that the Federation considers it necessary to maintain, then it may, at its cost and in accordance with plans approved by the Joint Commission, arrange for the capacity of the routes referred to in paragraph (a) to be increased.

(e) With respect to any traffic of persons or goods carried out pursuant to this Article, all responsibilities for compliance with international laws and obligations shall be assumed by the Federation.

Article 3

Croatia grants to the Federation the right to authorize any types of aircraft to overfly the territory of Croatia, including its territorial waters, subject to such aircraft complying with any applicable international air traffic regulations.

Article 4

(a) The Parties hereby establish a Joint Commission to assist in implementing the present Agreement by:

- (i) establishing any rules and standards required for implementing the Agreement, and in particular Article 2 (c), including for any construction;
- (ii) arrange for any monitoring required to prevent abuses of the Agreement;
- (iii) settle, subject to Article 6, any disputes regarding the interpretation or the application of the Agreement.

(b) Croatia and the Federation shall appoint three members each to the Joint Commission and they shall by joint agreement appoint three more members, one of whom shall be the Chairman. If no agreement can be reached on one or more of the joint appointments within three months, the Secretary-General of the United Nations shall make those appointments at the request of either party.

(c) The Joint Commission shall adopt its own rules of procedure. Its decisions shall require five concurring votes.

Article 5

The present Agreement may be supplemented by others designed to implement the 1965 Convention on the Transit Trade of Land-Locked States.

Article 6

Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party for a binding decision to the arbitral tribunal to which both Parties shall appoint one member each, with the Chairman appointed jointly; should any of the required appointments not be made within three months, they may be made by the President of the International Court of Justice at the request of either party.

Article 7

This Agreement shall remain in force for a period of 99 years, except as otherwise agreed by the Parties.

DONE this _____ day of _____ 1994,
in _____, in three copies, each in English, Croatian and
Bosnian languages, which shall be equally authentic.

Annex II

AGREEMENT
BETWEEN THE FEDERATION
AND
THE REPUBLIC OF CROATIA
GRANTING CROATIA TRANSIT
THROUGH THE TERRITORY OF THE FEDERATION

The Federation

and

The Republic of Croatia

Considering that it is desirable that the Republic of Croatia (hereinafter "Croatia") have assured and unrestricted transit through the Municipality of Neum of the Federation,

HEREBY AGREE AS FOLLOWS:

Article 1

The Federation shall allow Croatia unrestricted transit by road through Neum between the eastern and western borders of Neum with Croatia.

Article 2

(a) Trucks and other road vehicles using the road referred to in Article 1 that are marked by the emblem of Croatia shall not be entered or inspected by any public authority of the Federation.

(b) Limits on the sizes and specifications of the trucks and other road vehicles referred to in paragraph (a) and of the volume of traffic on the road referred to in Article 1 may be set by the Joint Commission established in accordance with Article 3.

(c) Should the limits set in accordance with paragraph (b) restrict the volume of traffic that Croatia considers it necessary to maintain, then it may, at its costs and in accordance with plans approved by the Joint Commission, arrange for the capacity of the road referred to in Article 1 to be increased.

(d) With respect to any traffic of persons or goods carried out pursuant to Article 1 and 2, all responsibilities for compliance with international laws and obligations shall be assumed by Croatia.

Article 3

(a) The Parties hereby establish a Joint Commission to assist in implementing the present Agreement by:

(i) establishing any rules and standards required for implementing the Agreement, and in particular Article 2(b), including for any construction;

(ii) arrange for any monitoring required to prevent abuses of the Agreement;

(iii) settle, subject to Article 4, any disputes regarding the interpretation or the application of the Agreement.

(b) The Federation and Croatia shall appoint three members each to the Joint Commission and they shall by joint agreement appoint three more members, one of whom shall be Chairman. If no agreement can be reached on one or more of the joint appointments within three months, the Secretary-General of the United Nations shall make those appointments at the request of either Party.

(c) The Joint Commission shall adopt its own rules of procedure. Its decisions shall require five concurring votes.

Article 4

Unless otherwise agreed, any legal dispute concerning the interpretation of this Agreement may be submitted by either Party for a binding decision to an arbitral tribunal to which both Parties shall appoint one member each, with the Chairman appointed jointly; should any of the required appointments not be made within three months, they may be made by the President of the International Court of Justice at the request of either party.

Article 5

This Agreement shall remain in force for a period of 99 years, except as otherwise agreed by the Parties.

DONE this _____ day of _____ 1994,
in three copies, each in the English, Croatian and Bosnian
languages, which shall be equally authentic.



General Assembly
Security Council

Distr.
GENERAL

A/48/894
S/1994/256
4 March 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-ninth year

Letter dated 3 March 1994 from the Chargé d'affaires a.i.
of the Permanent Mission of Brunei Darussalam to the
United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a statement issued by the Ministry of Foreign Affairs of Brunei Darussalam on the massacre of Palestinians in the Haram al-Ibrahimi at Hebron on 25 February 1994 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the forty-eighth session of the General Assembly, under agenda items 34 and 35, and of the Security Council.

(Signed) JEMAT Haji Ampal
Chargé d'affaires a.i.

ANNEX

Statement on the massacre of Palestinians in the
Haram al-Ibrahimi at Hebron on 25 February 1994
issued by the Ministry of Foreign Affairs of
Brunei Darussalam

Brunei Darussalam strongly condemns the massacre of Palestinian worshippers in the Haram al-Ibrahimi at Hebron on 25 February 1994 and calls on the Israeli authorities to take immediate and appropriate measures to protect the Palestinians in the occupied territories.

Brunei Darussalam wishes to see urgent progress towards the implementation of the provision of the peace accords and therefore also calls upon Israel to abide by the spirit of the accords and speedily provide for Palestinian self-rule.



General Assembly
Security Council

Distr.
GENERAL

A/49/86
S/1994/257
4 March 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Item 26 of the preliminary list*
COMPLETE WITHDRAWAL OF FOREIGN
MILITARY FORCES FROM THE
TERRITORIES OF THE BALTIC STATES

SECURITY COUNCIL
Forty-ninth year

Letter dated 3 March 1994 from the Permanent Representative
of Lithuania to the United Nations addressed to the
Secretary-General

I have the honour to bring to your attention the text of a statement dated 3 March 1994 by the Ministry of Foreign Affairs of the Republic of Lithuania in response to a statement released by the Russian Federation on 2 March 1994.

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 26 of the preliminary list, and of the Security Council.

(Signed) Anicetas SIMUTIS
Ambassador
Permanent Representative

* A/49/50.

Annex

Statement by the Ministry of Foreign Affairs
of the Republic of Lithuania

The Ministry of Foreign Affairs of the Republic of Lithuania, closely following the course of negotiations between Estonia and the Russian Federation, is greatly concerned by the Russian statement of 2 March 1994, in which the Russian Federation indicates its refusal to withdraw its military forces from the territory of the Republic of Estonia by the date previously agreed upon by the two sides (31 August 1994), and its intention instead to follow its own determined timetable.

The Republic of Lithuania reaffirms its position that the withdrawal of Russian military forces from Estonia and Latvia must comply with the requirements of the international community, as defined by General Assembly resolutions and paragraph 15 of the "Helsinki Document 1992 - the Challenges of Change", adopted by the Conference on Security and Cooperation in Europe (CSCE).

Lithuania fully supports Estonian efforts to secure the most rapid possible withdrawal of Russian military forces, and expresses its hope that both sides will find mutually acceptable means to renew negotiations, leading to a withdrawal of Russian military forces from Estonia by 31 August 1994.

Vilnius, 3 March 1994



Security Council

Distr.
GENERAL

S/1994/258
4 March 1994

ORIGINAL: ENGLISH

LETTER DATED 4 MARCH 1994 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF NIGERIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of the following letter from the Minister of Foreign Affairs of the Federal Republic of Nigeria, BABA GANA KINGIBE, concerning the border dispute between Nigeria and Cameroon:

"Mr. President,
The Security Council,
United Nations Organization
New York

Mr. President,

I wish, on the instructions of my Government to refer to the letter dated 28 February 1994, addressed to you by the Permanent Representative of Cameroon (S/1994/228), and to convey to you the following information.

On 31 December 1993, Nigerian troops were dispatched to the Nigerian fishing villages of Abana and Atabong on the Nigerian Bakassi Peninsula in order to avert a violent clash between those who lay claim to the settlements from two Nigerian States, namely the Akwa Ibom State and the Cross River State. The pre-emptive action had the desired effect. However, following the concern expressed by the Cameroonian Government on the Nigerian troops' movement, I visited Yaounde on the instructions of my Head of State, Gen. Sani Abacha, to explain to President Paul Biya the reason for the Nigerian move. Early in 1994, the Cameroonian Foreign Minister also visited Abuja with a message to the Nigerian Head of State from President Biya. Both sides pledged to resolve the issues peacefully.

Surprisingly, while peaceful dialogue was proceeding, Cameroonian soldiers from their own position in the Peninsula launched an attack on the Nigerian troops first on 14 February, and again on 18 and 19 February 1994. Nigerian troops were obliged to defend themselves. They were, however, ordered to cease fire as soon as the attack on them stopped.

Disturbed at this development, my Head of State wrote to the Cameroonian President, inviting him to Nigeria for summit level talks on

the Peninsula. On 23 February, a Cameroonian envoy visited Nigeria with a message from his Head of State, by which he accepted the invitation for summit level talks.

My Government was, therefore, surprised that even before the agreed talks commenced, the Government of Cameroon had taken steps to internationalize the issue by:

- (a) inviting French troops into the area,
- (b) calling for a discussion of the issue by the Security Council,
- (c) initiating a process with the International Court of Justice,
- (d) bringing the matter to the attention of the Chairman of OAU.

It is pertinent to recall that ownership of the Bakassi Peninsula has been in dispute between the two countries since their independence from the colonial Powers. My Government rejects the claims of Cameroon on the Peninsula on the following grounds among many:

- We have no evidence that the Anglo-German Treaty of 1913, which purportedly ceded the Peninsula to Cameroon was ever ratified by the British Parliament. In any event, the physical demarcation of the boundaries even in the terms of the said Treaty was never done in so far as the Bakassi area was concerned.
- A Nigerian/Cameroonian Boundary Commission, which met in Yaounde in August 1970, agreed that physical demarcation of the maritime boundary between the two countries be carried out in accordance with the 1958 Geneva Convention on the Law of the Sea.
- The Maroua Declaration signed by former Nigerian and Cameroonian Heads of State, General Gowon and President Ahidjo has no legal basis as it was not ratified by the competent Nigerian legislative body of the time, the Supreme Military Council.

Contrary, therefore, to the assertion in the communication of my Cameroonian colleague, the Bakassi Peninsula has a population which is over 90 per cent Nigerian, belonging to Ibibio and Efik groups. These Nigerians have been victims of periodic atrocities committed by the Cameroonian gendarmes and soldiers. There were 6 serious recorded incidents in 1991, 6 in 1992 and 13 up to September 1993.

My Government, in keeping with its good-neighbourly policy, will continue to pursue the course of dialogue between the two countries notwithstanding the provocative deployment of French troops. Indeed my Government is actively preparing for the proposed summit talks to which the Heads of State of the two countries have committed themselves.

It is, therefore, the hope of my Government that the Security Council will encourage this initiative for bilateral resolution of the dispute,

/...

which is in accordance with Article 33 (1) of the Charter of the United Nations. It is also my Government's hope that the Council will urge all third parties to refrain from acts which will internationalize or otherwise aggravate the situation.

I should be grateful if you would kindly circulate the text of this letter as a document of the Security Council.

(Signed) BABA GANA KINGIBE
Minister of Foreign Affairs
Federal Republic of Nigeria"

(Signed) Isaac E. AYEWAH
Ambassador
Chargé d'affaires a.i.



Security Council

Distr.
GENERAL

S/1994/259
4 March 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 1 MARCH 1994 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that Major General
Lélio Gonçalves Rodrigues da Silva, Force Commander of the United Nations
Operation in Mozambique (ONUMOZ), ceased to serve in that capacity on
13 February 1994.

Subject to the consent of the Security Council, I intend to appoint
Major General Mohammad Abdus Salam (Bangladesh) to succeed
Major General da Silva as Force Commander.

I should be grateful if you would bring this change to the attention of the
members of the Security Council.

(Signed) Boutros BOUTROS-GHALI



Security Council

Distr.
GENERAL

S/1994/260
4 March 1994
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 4 MARCH 1994 FROM THE PRESIDENT OF THE
SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 1 March 1994 concerning your proposal to appoint Major General Mohammad Abdus Salam (Bangladesh) as Force Commander of the United Nations Operation in Mozambique (ONUMOZ) (S/1994/259) has been brought to the attention of the members of the Council. They agree with your proposal.

(Signed) Jean-Bernard MÉRIMÉE
President of the Security Council
